20160050 William Butler Mayko Matos

On December 3, 2016, officers pulled over a car, allegedly because the license plate had been bent to avoid being read by automatic license plate readers. Once the car was stopped, officers noticed an unlit marijuana cigarette in the ashtray. They removed the man from his car, frisked him, and brought him to the precinct. At the precinct, he was asked to remove his jewelry. He refused, and officers forcibly held him while others removed his jewelry.

Once the jewelry was removed, according to the man and one of the officers, Sergeant Butler ordered officers to search the man's anus and genitals. The officers pulled down the man's pants, and PO Matos placed his hand inside the man's underwear, and according to a witness officer, PO Matos "put his hand in his underwear to check underneath his testicles" and then moved his hand, under the man's underwear, to the back and put his hand "into a blade and just going up in between the cheeks." The witness officer testified that it was standard procedure in the precinct to strip search everyone who was arrested, and that normally the officers simply ordered people they arrested to strip nude and squat, but that the man was "combative" so he was forcibly strip-searched.

Sergeant Butler and PO Matos both testified that no strip search took place.

Strip-searching every person arrested as a matter of course is illegal, and was the subject of a major CCRB policy recommendation in the early 2000s, <u>leading the NYPD to claim that it trained officers to stop the practice in 2004</u>.

The CCRB found that Sergeant Butler conducted an unlawful strip search and that evidence indicated both officers lied about their conduct.

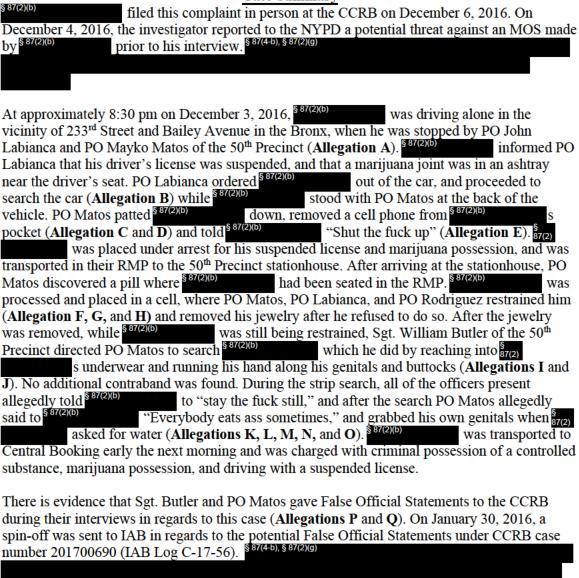
As of March 15, 2022, the NYPD had not disciplined either officer. Sergeant Butler has been promoted to Lieutenant.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Tea	am:	CCRB Case #:	1	Force	✓ Discourt.	. U.S.
Nathaniel Flack	Sgr	uad #3	201610050		Abuse	— □ O.L.	─ Injury
				厂			
Incident Date(s)	Lo	cation of Incident:		P	recinct:	18 Mo. SOL	EO SOL
Saturday, 12/03/2016 8:38 PM					50	6/3/2018	6/3/2018
Date/Time CV Reported	CV	Reported At:	How CV Reported	l:	Date/Time	e Received at CC	RB
Tue, 12/06/2016 5:38 PM	CC	CRB	In-person		Tue, 12/06	6/2016 5:38 PM	
Complainant/Victim	Type	Home Addre	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Mayko Matos	13660	§ 87(2)(b)	050 PCT				
2. POM John Labianca	14211	§ 87(2)(b)	050 PCT				
3. SGT William Butler	03407	§ 87(2)(b)	050 PCT				
4. POM Joseph Rodriguez	28899	§ 87(2)(b)	050 PCT				
Witness Officer(s)	Shield No	Tax No	Cmd Name				
1. POM Oscar Nieves	28446	§ 87(2)(b)	050 PCT				
2. SGT Marlene Quinones	02192	§ 87(2)(b)	050 PCT				
Officer(s)	Allegation				Inve	estigator Reco	mmendation
A . POM John Labianca		olice Officer John L	Avenue and 233rd St Labianca stopped the s an occupant.			§ 87(2)(g)	
B . POM John Labianca		olice Officer John L	Exvenue and 233rd St Labianca searched the san occupant.			§ 87(2)(g)	
C . POM Mayko Matos			evenue and 233rd St o Matos frisked § 87(2)		n C.	§ 87(2)(g)	
D . POM Mayko Matos			evenue and 233rd St o Matos searched § 87		n D.	§ 87(2)(g)	
E . POM Mayko Matos			and 233rd Street in tatos spoke discourte		₽.	§ 87(2)(g)	I
F . POM Mayko Matos		s used physical force	onhouse, Police Offi ce against § 87(2)(b)	icer	F.	§ 87(2)(g)	
G. POM John Labianca		e 50th Precinct station of the body sical force against the state of t	onhouse, Police Offi ainst § 87(2)(b)	icer J	ohn G.	§ 87(2)(g)	
H. POM Joseph Rodriguez			onhouse, Police Offi force against § 87(2)(b)		Н.	§ 87(2)(g)	
I . SGT William Butler		thority: At the 50th lliam Butler strip se	Precinct stationhous arched § 87(2)(b)	se,	I.§	87(2)(g)	
J. POM Mayko Matos		thority: At the 50th ko Matos strip searc	Precinct stationhous thed § 87(2)(b)	se, Po	olice J.§	87(2)(g)	

Officer(s)	Allegation	Investigator Recommendation
K . POM Mayko Matos	Discourtesy: At the 50th Precinct stationhouse, Police Officer Mayko Matos spoke discourteously to \$87(2)(b)	K. § 87(2)(9)
L. POM John Labianca	Discourtesy: At the 50th Precinct stationhouse, Police Officer John Labianca spoke discourteously to \$87(2)(b)	L. §87(2)(g)
M . POM Joseph Rodriguez	Discourtesy: At the 50th Precinct stationhouse, Police Officer Joseph Rodriguez spoke discourteously to \$87(2)(b)	M . § 87(2)(9)
N . SGT William Butler	Discourtesy: At the 50th Precinct stationhouse, Sergeant William Butler spoke discourteously to §87(2)(6)	N . § 87(2)(g)
O . POM Mayko Matos	Discourtesy: At the 50th Precinct stationhouse, Police Officer Mayko Matos gestured discourteously toward \$ 37(2)(b)	O. § 87(2)(9)
P. SGT William Butler	Other: There is evidence suggesting Sergeant William Butler provided a false official statement in violation of PG 203-08.	
Q . POM Mayko Matos	Other: There is evidence suggesting Police Officer Mayko Matos provided a false official statement in violation of PG 203-08.	Q. §87(2)(9)
§ 87(4-b), § 87(2)(g)		





The investigation consulted with APU in regards to the strip search allegation. This case is being submitted more than 90 days after the investigation began due to APU's inquiries regarding NYPD strip search training policy.

The investigation was unable to obtain video footage of this incident.

Mediation, Civil and Criminal Histories

 This case was not eligible for meditation due to an arrest and the report of a potential threat against an MOS.

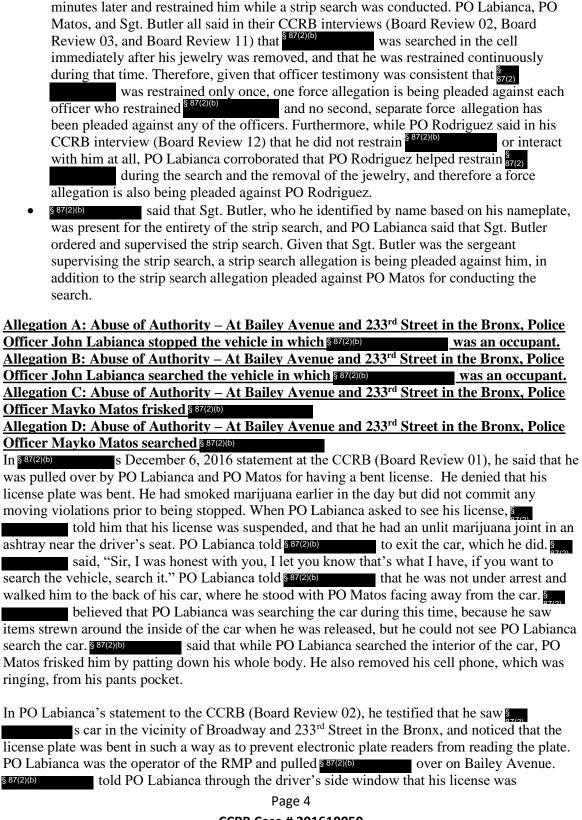
> Page 2 CCRB Case # 201610050

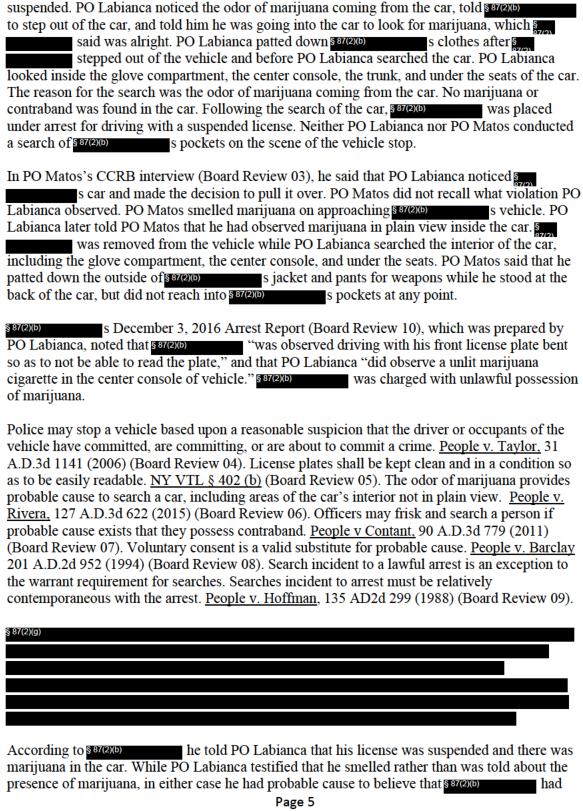
•	As of February 22, 2017, no Notice of Claim has been filed in connection with this incident. Structure are serious scriminal case for this arrest is currently open pending an appearance on \$87(2)(b)
	Officer and Civilian CCRB Histories
•	This is \$87(2)(5) s first CCRB complaint. In 13 years at the NYPD, Sgt. William Butler has been a subject of four previous complaints, containing 23 allegations against him. In CCRB case 201405184 a frisk allegation against Sgt. Butler was substantiated and he received Formalized Training from the NYPD. In CCRB case 200717516, frisk and search allegations against Sgt. Butler were substantiated, and the NYPD did not pursue disciplinary action against him.
	§ 87(2)(g)
•	In two years with the NYPD, PO Matos has been the subject of an unsubstantiated force allegation in CCRB case number 201603904. [887(2)(9)
•	In nine years with the NYPD, PO Labianca was the subject of an Exonerated threat of summons allegation in CCRB case number 201609996. \$87(4-b). \$87(2)(9)
	Findings and Recommendations
Allega	tions Not Pleaded
•	In his interview at the CCRB, PO Labianca (Board Review 02) stated that he first observed served ser

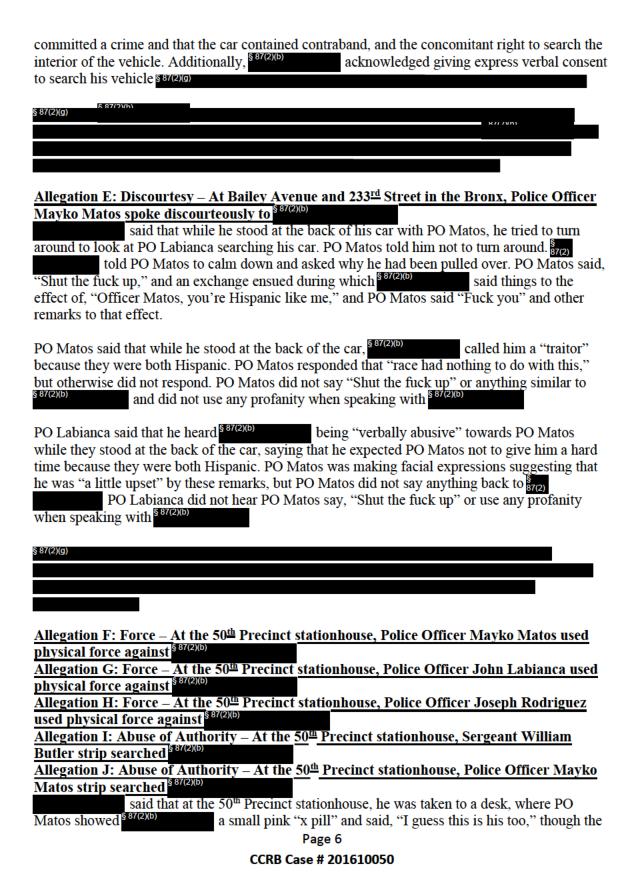
Subject Officer Identification

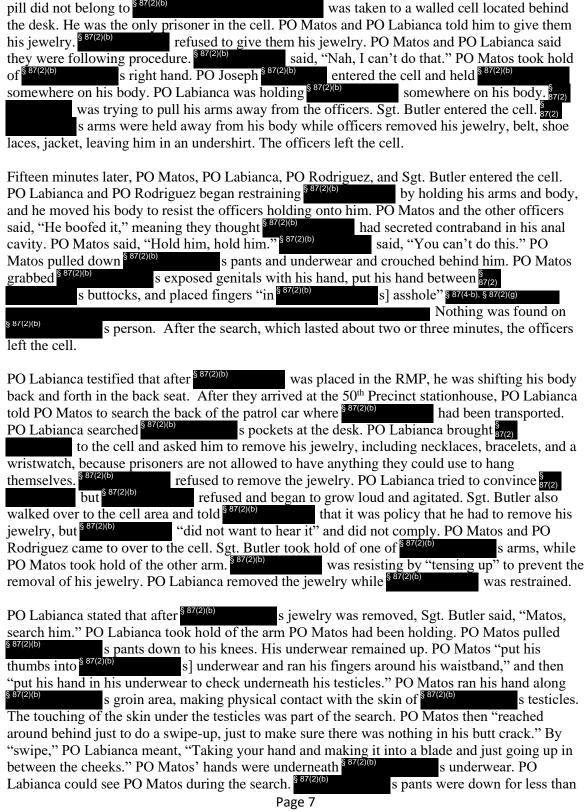
stated in his CCRB Interview (Board Review 01) that PO Labianca, PO Matos, and PO Rodriguez restrained him in the cell while removing his jewelry, after he refused to do so himself. He said that the same officers returned to the cell fifteen

Page 3
CCRB Case # 201610050

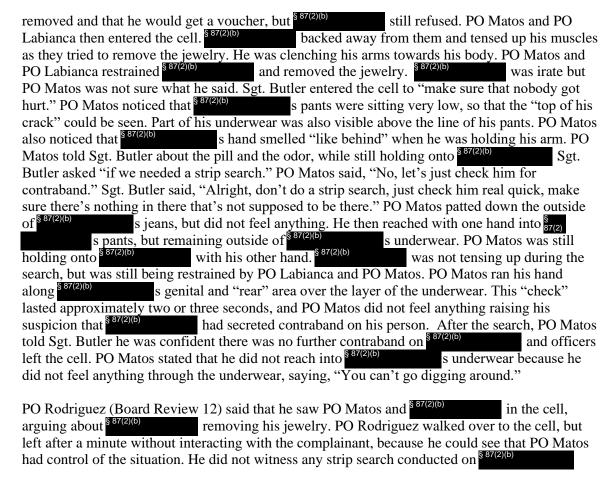








a minute. 887(2)(b) was allowed to get dressed. Nothing was found in the search. After the search, PO Matos told PO Labianca that a pill had been found in the back seat of the patrol car where 887(2)(b) had been seated, and PO Matos showed him the loose pill.
Asked about the reason for this search (which he referred to as a "check,") PO Labianca said that normally they would just have a prisoner strip completely nude and squat down, but "because was so combative, we had to do the check because he wasn't complying with anything we wanted to get done." PO Labianca added that, "there have been instances where people do hide and tuck things underneath, and the weight of the testicles will actually just keep it in place [when they squat], so we just had to do a quick check to make sure there was nothing under there."
In Sgt. Butler's statement to the CCRB (Board Review 11), he said that he entered sinformation behind the desk while \$87(2)(0) was searched at the desk and PO Matos searched the back of the RMP in which \$87(2)(0) had been transported. PO Labianca took \$87(2)(0) to the cell while Sgt. Butler finished entering arrest information at the desk. Sgt. Butler heard \$87(2)(0) yelling from the cell that he did not want to give up his jewelry, and walked to the cell to talk to \$87(2)(0) and try to calm him down. PO Labianca was inside the cell with \$87(2)(0) trying to convince him to remove his jewelry. \$87(2)(0) was physically holding onto his jewelry, and was agitated and raising his voice. Sgt. Butler told him that the jewelry would be safe and that he would get a receipt for it. Officers then held \$87(2)(0) s jewelry from his body. While \$87(2)(0) s jewelry was being removed, PO Matos entered the cell and showed Sgt. Butler a pill, saying that \$87(2)(0) had dropped it in the RMP.
After seeing the pill, Sgt. Butler told the officers to "check" continued to be held still, PO Matos patted down the outside of \$87(2)(b) s pants and his waistband. PO Matos ran his fingers around the outside of \$87(2)(b) s pants' waistband, but did not put his finger or hand inside or underneath the waistband or at all inside \$87(2)(b) s pants. PO Matos frisked the entire outside of \$87(2)(b) s clothing, including the crotch and buttocks area of the outside of his pants. Sgt. Butler was "right next" to PO Matos and was observing him during the search. \$87(2)(b) s pants was trying to move his arms and get away. \$87(2)(b) s pants were sagging but not past his crotch area, and his underwear were slightly exposed. PO Matos patted down the outside of the underwear but did not reach into the underwear.
PO Matos said that after \$87(2)(b) was placed in the RMP, he was "wiggling" in the back seat. When they arrived at the stationhouse, PO Labianca led \$67(2)(b) out of the RMP, while PO Matos looked in the back seat of the RMP to see if "anything had been left behind." He found a circular pill in plain view between the cushion and backrest of the rear passenger seat. PO Matos knew that the pill belonged to \$87(2)(b) because the RMP had previously been checked multiple times that day. PO Matos went inside the stationhouse, where \$87(2)(b) was acting in a loud and aggressive manner while standing at the desk. PO Matos pulled PO Labianca aside and gave him the pill.
PO Matos and PO Labianca brought 887(2)(6) to the cell, where they asked him to remove his jewelry and he refused. PO Matos and PO Labianca tried to explain why the jewelry had to be Page 8



A strip search is any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. In order to achieve a balance between the privacy and personal dignity concerns of arrestees, it should not be necessary to touch the subject's body during a strip search, except for an examination of the hair. Strip searches may only be conducted with the knowledge and approval of the arresting officer's immediate supervisor. PG 208-05 (Board Review 13). A strip search requires the arrestee to disrobe so that a police officer can visually inspect the person's body. A strip search must be founded on a reasonable suspicion that the arrestee is concealing evidence underneath clothing and the search must be conducted in a reasonable manner. People v. Hall, 10 N.Y.3d 303 (2008) (Board Review 14).

When a member of the service must gain compliance, control, or custody of an uncooperative subject, apply no more than the reasonable force necessary to gain control. <u>PG 221-02</u> (Board Review 15). Items that are dangerous to life, may facilitate escape, or may be used to damage Department property will be removed from a subject at the stationhouse following arrest. <u>PG 208-03</u> (Board Review 16).

The investigation consulted with APU in regards to the strip search allegation.

Page 9

acknowledged that he refused to remove his jewelry and was resisting the officers' attempts to do so, and he alleged no force besides the officers holding him still while
removing the jewelry. [527(2)(9)
§ 87(2)(g)
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§ 87(2)(g)

Page 10 CCRB Case # 201610050

\$ 87/2\h) \$ 87(2)(g)
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S 8772VIN
Allegation K: Discourtesy – At the 50th Precinct stationhouse, Police Officer Mayko Matos
Allegation L: Discourtesy – At the 50 th Precinct stationhouse, Police Officer John Labianca spoke discourteously to stationhouse, Police Officer John Labianca Allegation M: Discourtesy – At the 50 th Precinct stationhouse, Police Officer Joseph Rodriguez spoke discourteously to stationhouse, Police Officer Joseph Allegation N: Discourtesy – At the 50 th Precinct stationhouse, Sergeant William Butler
Allegation O: Discourtesy – At the 50th Precinct stationhouse, Police Officer Mayko Matos gestured discourteously to said during his interview that during the search in the cell, all the officers present were yelling, "Stay the fuck still," and, "Check his ass." After the strip search, was talking to PO Labianca through the bars of the cell. PO Matos entered the cell, said "Shut the fuck up," and handcuffed to a pipe. When he asked PO Matos for a glass of water, PO Matos responded by grabbing his own genitals and saying, "I've got your water right here." Later, saw PO Matos eating a sandwich in the stationhouse and said, "Don't shake this guy's hand, he just had his hand all up in my ass." PO Matos allegedly replied, "Everybody eats ass sometimes."
PO Matos said that he did not use any profanity towards other officer do so. PO Matos said that after the search, sear

Page 11 CCRB Case # 201610050

PO Labianca said that while was being restrained, he said to PO Rodriguez, "You're my cousin, how could you do this to me," to which PO Rodriguez replied that he was an officer doing his job and was not search, PO Matos fingerprinted and that search, PO Matos fingerprinted and that search, PO Labianca said that after the strip and that search, PO Labianca said that no officer present, including himself, used any profanity towards asked for water.
PO Butler said that while safe and the he would receive a receipt for it. Sgt. Butler did not use any profanity when speaking with nor did he hear PO Matos or any other officer do so. Sgt. Butler did not recall PO Matos grabbing his genitals in response to a request for a drink of water from safe(2)(b)
All other officers interviewed denied hearing any officer use profanity with seeing PO Matos make the alleged discourteous gesture.
\$ 87(2)(g)
Allegation P: Other Misconduct – There is evidence suggesting Sergeant William Butler provided a false official statement in violation of Patrol Guide section 203-08. Allegation Q: Other Misconduct – There is evidence suggesting Police Officer Mayko Matos provided a false official statement in violation of Patrol Guide section 203-08. The intentional making of a false official statement is prohibited, including during a Civilian Complaint Review Board interview. PG 203-08 (Board Review 17).
the search involved pulling down s 87(2)(b) s pants and making direct physical contact with s 87(2)(b) s genitals and buttocks. 887(2)(b)
Sgt. Butler and PO Matos both testified that the search of sar(2)(0) in the cell was a "pat" or a "frisk," which did not involve pulling down his pants or any skin-to-skin contact with his groin or buttocks, though their stories diverged with respect to whether the search was an external frisk of spants, or a "frisk" of his underwear conducted without pulling down or removing the pants. \$897(2)(0)
§ 87(2)(g)
Page 12

§ 87(2)(g)		DO.	Notes to differ 141 - 4 - 4 - 4 - 4
in an arrestee's	underwear, while Sgt. l	risoner's clothing, and that "yo Butler similarly testified that a	Matos testified that a strip ou can't go digging around" strip search is characterized
by "pulling dow	n or pulling up" an arti	icle of clothing. §87(2)(9)	
interviewed by t	the CCRB within eight	weeks after the incident. § 87(2)(both were
§ 87(2)(g)			
§ 87(4-b), § 87(2)(g)			
Squad: 3			
•			
Investigator: _	Signature	<u>Nathaniel Flack</u> Print	Date
		2 22111	200
Squad Leader: _		Page 13	
	CC	CRB Case # 201610050	

CCRB - Confidential

	Title/Signature	Print	Date
Reviewer:			
	Title/Signature	Print	Date